

## Oil Spill Advisory Council Minutes

October 21<sup>st</sup>, 2005

Inaugural Meeting of the Oil Spill Advisory Council  
House Hearing Room D, John L. O'Brien Building

Members Present: Mike Cooper, Stuart Downer, Brett Bishop, Phillip Bannan, John Schumacher, Jeff Shaw, Phil Winberry, Gerald Joyce, Mike Doherty, Michael Moore, Lee Roussel, Kathy Fletcher, Kevin Ranker, Jim Davis, Pam Bissonnette, Nick Jones, Chad Bowechop (alt.)

Members Absent: David Sones

Others Present: Spills Program Director Jensen, United States Coast Guard Captain Boothe, Governor Executive Policy Advisor Phillips, various interested stakeholders and members of the media.

Chairman Cooper called the meeting to order at 9:00 a.m. He welcomed members and public attendees to the first meeting of the Oil Spill Advisory Council, thanked them for their interest in the council's proceedings, and expressed the united interest in the success of the council.

Executive Policy Advisor Phillips gave a welcome on behalf of Governor Gregoire. He said Washington has a strong spills program, but past success cannot be taken for granted. He noted the need to increase our vigilance and build working relationships for the purposes of prevention, monitoring federal implementation of national oil spills programs, and funding the protection of our waters.

Chairman Cooper introduced the council members, Administrative Assistant (AA) Corey Nunlist, and Assistant Attorney General Joan Marchioro. The AA gave instructions for travel reimbursement for the members of the council, noting that receipts are needed for lodging and meals and a detailed description (how much, where, when, and what for) given for miscellaneous expenses.

Chairman Cooper pointed to a draft of meeting Ground Rules to edit. Discussion followed, most of it centered around appropriate timing for public comment. The council agreed that the rule's wording be changed to allow for public comment "at each meeting" rather than "at the end of each meeting." Jeff Shaw asked whether the council should abide by Roberts Rules of Order; the council decided to try and do without, and noted the ground rules are open for later adjustment. Michael Moore reminded the council that although issues to discuss are broad and time is limited, it is important not to gloss over important topics. Agreed upon changes to the ground rules are:

- The last sentence of #12 changed from, "allowed to participate in decision making" to, "allowed to vote."
- #13 changed, as noted above, to allow for public comment "at each meeting."
- The addition of a rule stating that the chair is a non-voting member of the council.
- The addition of a rule stating that members of the council speak to the media on behalf of their stakeholders, not on behalf of the council.

- The addition of a rule that the agenda for each meeting be sent out at least 24 hours ahead of time.
- The addition of a rule (pending legal ruling) that the minutes be reviewed by council members before being published, or that the minutes be simultaneously posted and sent to council members.

The revised ground rules are attached.

Chairman Cooper presented the budget outline for Fiscal Years 2006-07, noting the numbers will change to reflect late hiring of staff, lower than expected office costs, and other savings. The budget will also change to accommodate the Assistant Attorney General. The expected number of council meetings for the biennium is 12. Timeline and locations of future meetings were discussed briefly and put aside for later in the day.

Council members introduced themselves and spoke briefly about their stakeholder priorities, particularly how those priorities fit with the legislative charge brought before the council.

Stuart Downer, marine labor - noted not everyone can be made completely happy but he would like to see a fair and mutually beneficial balance between creating the best possible prevention and response measures while respecting and protecting a vibrant maritime industry/economy.

Nick Jones, commercial fishing - noted that everyone benefits from a clean sound. He wants critical habitat areas identified and protected, and to look at ways to get derelict vessels and 2-cycle motors off the water as preemptive measures. He believes the commercial fishing community should be worked into oil spill response plans.

Brett Bishop, commercial shellfish growers - noted that shellfish beds are particularly vulnerable to spills and should be identified in response plans. He suggested shellfish growers as a potential source of help and knowledge that could be used as responders and as an aid in cleanup/recovery efforts.

Phillip Bannan, public ports - reiterated the importance of balancing the best possible oil spill prevention and response with a respect for maritime economy.

John Schumacher, oil facilities - wants funding to be examined. How much, who's effort it will be, and funding the councils work long-term are areas of concern.

Jeff Shaw, marine trade - wants to minimize duplication of state and federal efforts, preventing a significant waste of time and money.

Phil Winberry, shoreline interests - wants to make sure all groups having something important/useful to say are listened to and believes the resulting dialogue would be a key to the best possible prevention and response program.

Gerald Joyce, environmental groups - wants to stiffen voluntary compliance rules for ships and facilities and to assure immediate containment of spills, to promote opportunities and education for the public to become involved in the prevention, response, and recovery process, and to

identify and protect Important Bird Areas. He is concerned by the sometimes damaging effect of oil spill cleanup.

Mike Doherty, county government - wants a large coordination of federal, state, and local governments to prevent and respond to spills. To encourage local buy-in and support of oil spill programs, and to use people willing to help. He doesn't want to focus on rulemaking, but instead look at prevention techniques, perhaps using other states (such as Alaska) as examples.

Michael Moore, marine trade - wants to look at trends of policy and improvement regarding oil spills and use this information to analyze costs, assess risks, and eliminate duplication of effort between state and federal government. To look at funding and need, and use that perspective to balance spill prevention with economic benefit.

Lee Roussel, marine recreation - wants to focus on vessels and vessel safety, and to limit hazardous activities and recognize areas susceptible to heavier damage because of natural conditions. He sees recreational boaters as a source for detection, response, and cleanup of spills. He also wants to identify areas free of shipping and find ways to keep them so.

Kathy Fletcher, environmental groups - wants Washington to be 1<sup>st</sup> in oil spill prevention and effective response, and suggests accomplishing this by examining and emulating the best existing programs. She wants to be preemptive and look at funding a year-round tug and establishing contingency and pre-booming rules as suggestions for the coming legislative session. She reiterated that areas needing special protection because of natural conditions should receive it.

Kevin Ranker, county government - pointed out that given the amount of shipping around the San Juan Islands, oil spills are certain to happen there at some point. He suggests incorporating regional groups and knowledge to update Geographic Response Plans (GRPs). He wants to identify and update critical areas to be examined, look at the safety of shipping lanes, ensure that response is adequately sized and placed, and look at recreational areas in terms of economic factors.

Jim Davis, environmental groups - wants permanent funding for a rescue tug. He also wants to look at areas that can be avoided, and voluntary versus regulatory restrictions for these areas. To look at reducing human error through drills and consequences for failure, and to make sure, in accordance with section (d) of the legislation, the public is fully educated regarding oil spills. He suggests a communication committee for this purpose.

Pam Bissonnette, county government - wants greater environmental protection and the value (economic, aesthetic, etc.) of recreational areas to be recognized and its safety assured. To focus on reducing discharges and points out that, with the amount of money already invested in wastewater management, the state would be wasting a tremendous amount of resources if it cannot prevent oil spills. A comprehensive coverage of interest in spill prevention and response, and a comprehensive approach to including groups offering to help, such as research vessels and beach monitoring groups.

Chad Bowechop, the tribes of Washington on behalf of David Sones - wants to see a tribal office of marine safety initiated to work with state and federal governments, to develop a better partnership among tribal, state, and federal governments, and to further that partnership by increasing the technical ability of tribes to analyze a spill and respond accordingly. He wants an outer coast marine sanctuary established and a year round tug provided that can double as a salvage vessel. He would like to see a holistic approach to prevention of and response to spills and adds that the tribes have much to offer.

## BREAK

The two finalists for the Research and Policy Advisor to the Oil Spill Advisory Council gave presentations on the topic of oil spill prevention in Washington.

Dale Jensen gave a presentation for the Department of Ecology's Spills Program and its involvement in oil spill preparedness, prevention, and response. In the power point presentation (attached), he notes new funding for GRP work, the need for consistency and communication when dealing with spills, and the fact that working with and educating local communities can save a lot of money long-term (i.e. the people at Gig Harbor marina had the equipment and knowledge to deal with a spill and were ready when it happened, preventing a bigger, more costly disaster). He noted that spills were increasing in the state of Washington, but not at regulated facilities, and mentioned the work of both the Department of Ecology and the Coast Guard in starting to compliment each other's efforts, not duplicate them.

Myles Boothe (Captain) gave a presentation on the Coast Guards (CG) role concerning oil spills (also attached). He noted that the CG has a broad range of responsibility and does a lot of work in maritime safety and security (which has a direct impact on reducing oil spills). The environmental goal of the CG is the elimination of damage to the environment as can be done in coastal areas. The CG accomplishes this task, in part, through the power to provide a specific maritime directive at a specific entity, a power they use often when thoroughly examining both domestic and international vessels. CG regulations on international vessels are responsible for bringing \$7 million back for environmental projects in the Pacific Northwest. However, the Captain noted that 63-75% of spilled oil last year came from domestic vessels, and therefore he notes making cargo transfer monitoring a #1 priority as a large prevention responsibility. A main theme of the Captain's presentation was the need to improve on existing frameworks, rather than begin anew.

## LUNCH

The council debated a tentative meeting schedule for 2005-06. It was decided that the next scheduled meeting will be Wednesday, November 30<sup>th</sup> in Olympia, and that subsequent meetings will be held on the 3<sup>rd</sup> Friday of the months of January, March, May, July, September, and November in various places across the state in accordance with the legislation.

Chairman Cooper then invited Dale Jensen and Captain Myles Boothe back to the table to hear questions from the council concerning their presentations and their respective agency's role in oil spills.

Kathy Fletcher asked Dale Jensen to explain the barrel tax.

Kevin Ranker asked about making copies of Geographic Response Plans for the Northwest Straits Commission, and then using the commission as a coordinator for the region. It was decided that this should be suggested at a NWSC meeting.

Michael Moore asked if the Department of Ecology (DOE) and the CG could graph spill history and correlate it to the implementation of programs to see which programs are effective at preventing/reducing spills.

Pam Bissonnette addressed the need for the council and other stakeholders to better understand the incident command system specifically related to oil spills in the Sound and the relationships between DOE, the Coast Guard, and local first responders. It was noted that there were courses and informational meetings to do this.

Jim Davis asked about contingency planning and prevention and special prevention measures in specific areas.

Chad Bowechop noted the absence of tribal government in the process of oil spill prevention and response, and the need for better partnerships among all governments.

Stuart Downer suggested the council attend some informational meetings on such topics as the Incident Command System and effective oil spill response. The council noted it was a good idea but that members should take turns attending such events so as not to overwhelm organizers.

Kevin Ranker asked about formal consideration for a tug in the eastern straits, and escorts for northbound traffic.

Chairman Cooper noted the benefit of collecting information on economic losses due to oil spills.

Lee Roussel wondered about circumstances under which ships can deviate from the East Passage of Puget Sound. Captain Boothe answered that ships are permitted to take different routes but are still monitored.

Mike Doherty asked about lessons learned from previous spills that have not been incorporated into spill prevention and response. He wondered if other states could help with this.

Chairman Cooper noted that the DOE has been good at contacting and informing concerned people of incidents and events that come up.

The council then discussed group priorities to take from this meeting and focus on in the future. Nick Jones reemphasized the need to remove derelict vessels from the water and the relative ease (and relatively small amount of money) with which this can be done, and added he would like to see mechanisms for assessing economic damage to fisheries, shellfish beds, and tribes, and making sure affected groups are compensated. Jim Davis noted the need to discuss long-term

funding to address the work of the council, and that the Department of Natural Resources is the agency that deals with derelict vessels. Kathy Fletcher wanted to look at current best practices and how to apply them, taking into consideration results of past lessons learned and recommendations for improvement. Michael Moore noted that Washington has a framework in place for solving its own problems and that the state should not necessarily look elsewhere for solutions. Kevin Ranker said the council should keep abreast of the DOE's request for funding, as well as data collection efforts for GRPs. He mentioned involving citizens as much as possible as a top priority. Chad Bowechop suggested setting up a matrix of forums and committees addressing oil spill prevention to better understand current efforts.

Chairman Cooper outlined the hiring process for the policy candidates and, on behalf of the hiring committee, recommended Jacqui Brown-Miller. Mike Doherty seconded the recommendation, and the council gave their unanimous consensus. Chairman Cooper explained his decision and thanked those involved in the hiring process for taking time from their busy schedules: council members Bishop, Davis, Downer, Roussel, and Schumacher, and non council member Ginger Eagle, from Washington Public Ports.

#### Public Comment Session

Captain David Sanders, Vice-President of Puget Sound Pilots spoke about PSP's role in oil spill prevention and noted that the goal of the pilots is similar to the goal of the council.

Tom Copeland, a former Prince William Sound fisherman and a responder to the Exxon-Valdez spill, advised the council to involve commercial fisherman as responders. He mentioned the Windy Bay spill of 2001 in Prince William Sound, and that almost all of a very effective cleanup was done by commercial fishing vessels operating in accordance with the PWS Response Plan. He also warned the council not to be satisfied with low levels of cleanup, noting that cleanup capacity has vastly improved. He also asked the council to take a closer look at drilling requirements.

Chris Jones of the National Oceanic and Atmospheric Administration spoke of his involvement with the Makah tribe and said he is encouraged by talks of a year-round tug.

Fred Felleman noted that it is difficult and detrimental to look at oil spill statistics with a predictive mindset, because spills vary greatly from one to another. He added that current trends showing less spilled oil is no reason for complacency on anyone's part.

Dale Jensen said the DOE is working hard to overcome a tight budget, that it would be beneficial for the council to educate itself on oil spill matters, and that stakeholders should build on existing knowledge as opposed to starting from scratch. He reiterated that prevention is Ecology's number one priority.

Sarah Shearer reiterated that the council should educate itself regarding previous work.

Chairman Cooper summarized council priorities and pointed in the direction the council should now follow. Essential tasks will be to compile information, fold the council's work into the

legislative charge, and make a draft work plan (for both short and long-term work). He added that the council should begin looking at ways to use its consulting resources. Kathy Fletcher added the council should think of matters to discuss at the November meeting for action in the next legislative session.

Chairman Cooper adjourned the meeting at 3:35 p.m.